

| <b>Comments and Coordination</b>   |                      |
|--|----------------------|
| <i>Public Involvement Correspondence</i>                                     |                      |
| <b>Public Correspondence</b>   | <b>Reference No.</b> |
| <i>Focus Group Correspondence</i>  |                      |
| Verbal Comments Received at Focus Group Meetings                             | 1b                   |
| <i>Public Workshop</i>   |                      |
| Written comments received following the Public Workshop on November 18, 2003 | 2b                   |

### Verbal Comments Received at the September 11, 2003 Focus Group Meeting

| Name                    | Representing                             | Comment   |
|-------------------------|--|---|
| Mr. David Pinning       | Baltimore County Office of Planning      | Asked if the I-95 Master Plan would coincide with the Delaware Master Plan.   |
| Mr. Tom Seymour         | South Perry Hall Improvement Association | Inquired where the money for the project would be coming from. Asked if the extension of MD 43 will be taken into consideration during Section 100 project planning. Questioned why improvements currently underway in the tunnels couldn't be done during night hours to reduce the impact of the tunnel closure on traffic. |
| Mr. Cornelius Carmody   | Gunpowder Valley Conservancy             | Asked how frequent exits would be along the managed lanes and how the managed lane concept would improve traffic. Also noted that there were no trucks pictured in the managed lanes photograph and questioned the purpose of this.   |
| Ms. Wanneta R. Thompson | Garden Village Community Association     | Inquired what the role of the focus group members would be.   |

### Verbal Comments Received at the September 30, 2003 Focus Group Meeting

| Name             | Representing                              | Comment  |
|------------------|---|--|
| Mr. Al Zorn      | Perry Hall Improvement Association        | Expressed concern for the number of rear-end type accidents near the I-95/Chesaco Avenue crossing.   |
| Mr. A.J. Bierman | US 40 East Business and Civic Association | Inquired about the possible addition of a "left" movement from the exit to Lombard Street from I-95. Also asked where the project will be in five years. |
| Mr. Tom Seymour  | South Perry Hall Improvement Association  | Asked if a monorail system, similar to that in Walt Disney World, would be more efficient use of space.  |

### Verbal Comments Received at the October 27, 2003 Focus Group Meeting

| Name                 | Representing                              | Comment  |
|----------------------|---|--|
| Mr. Bill Spiegel     | Hazlewood Park East Civic Association     | Asked if the information presented at the Public Workshop would be set up in a logical procession. Asked if each person at the Public Workshop who had a comment would receive a response. |
| Mr. David Flowers    | GGP& Associates, LLC                      | Asked if other agencies were being considered during the project planning phase of Section 100.  |
| Ms. Wanetta Thompson | Garden Village Park Community Association | Inquired how the public would be notified of the Public Workshop. Requested further explanation of how the workshop would be set up.   |
| Mr. Bruce Campbell   | Nottingham Properties                     | Asked if a matrix showing a summary of the anticipated level of service for each alternate and interchange was available.  |

### Written Comments Recieved Following Public Workshop on November 18, 2003

| Name                 | Representing                         | Date       | Comment  |
|----------------------|--------------------------------------|------------|--|
| Perry Scott Bowser   | Resident                             | 11/18/2003 | Noise wall, request call   |
| Luci Smith           | Resident                             | 11/18/2003 | Noise wall, request notification of FG mtgs.   |
| Mike Poniatowski     | Resident                             | 10/25/2003 | Interchange at Kenwood or Hazelwood Ave.   |
| Albert Zorn          | Perry Hall Improvement Association   | 10/28/2003 | Attended Focus Group mtgs., No response needed   |
| Steve Martin         | Resident                             | 11/18/2003 | ROW impacts to Joppa Rd. residents   |
| Phil Garrett         | Resident                             | 11/18/2003 | ROW impacts to Joppa Rd. residents   |
| Harvey & Jeanne Bair | Resident                             | 11/18/2003 | Noise wall, water drainage from I-95   |
| John G. Gregory      | Resident                             | 11/18/2003 | Noise wall, soil analysis, funding availability  |
| Fred & Frances Myers | Resident                             | 11/18/2003 | Supports Managed Lanes, noise wall   |
| Lynn Burca           | Kings Court Townhouse Association #2 | 11/18/2003 | Traffic during construction  |
| Susan Ches           | Hazelwood Park East Civic Assoc.     | 11/18/2003 | Truck accidents, supports Managed Lanes  |
| Carol & Scott Brown  | Resident                             | 11/18/2003 | Long-term, air quality, related projects, noise  |
| Carole Derus         | Resident                             | 11/18/2003 | Noise wall   |
| Joan Siejack         | Resident                             | 11/18/2003 | Noise wall   |
| Sam & Joan DeFazio   | Resident                             | 11/18/2003 | Noise wall   |
| Fred M. Jonjo        | Willow Hill Community Association    | 11/18/2003 | Noise wall   |
| Jessie Bangert       | Resident                             | 11/18/2003 | Noise wall   |
| Dennis Seibel        | Kings Court Condo Association        | 11/18/2003 | Lane configurations @ I-695, supports 2A @ I-695, 2B @ MD 43, 2B @ I-895, incorrect label on Environmental Inventory Map |

MEMORANDUM OF AGREEMENT  
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,  
THE US ARMY CORPS OF ENGINEERS, AND  
THE MARYLAND STATE HISTORIC PRESERVATION OFFICER  
REGARDING PROPOSED IMPROVEMENTS TO  
JFK SECTION 100  
BALTIMORE CITY AND BALTIMORE COUNTY, MARYLAND

**DRAFT – March 8, 2004**

WHEREAS, the Federal Highway Administration (FHWA) in cooperation with the Maryland Transportation Authority (Authority) proposes improvements to JFK Section 100 in the City of Baltimore and the County of Baltimore; and

WHEREAS, the FHWA determined that a newly-identified resource, the Smith Site, (18BA516) is present within the Area of Potential Effects (APE) in Baltimore County; and

WHEREAS, the FHWA has determined that the Smith Site is potentially eligible for inclusion in the National Register of Historic Places under Criterion D; and

WHEREAS, the FHWA has determined that there are no other historic properties within the APE; and

WHEREAS, the FHWA, the US Army Corps of Engineers (USACOE), the Baltimore County Department of Bureau of Traffic Engineering and Transportation Planning (Baltimore County), and the Authority consulted with the MD SHPO pursuant to the 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act, as amended; and

WHEREAS, the FHWA has determined that the proposed improvements to JFK Section 100 may have an adverse effect upon a property eligible for inclusion in the National Register of Historic Places; and

WHEREAS, the Advisory Council on Historic Preservation (Council) has been invited to participate in the consultation; and

WHEREAS, Baltimore County, the MD SHPO, the FHWA, the USACOE, and the Authority, participated in the consultation and have been invited to concur in this Memorandum of Agreement; and

WHEREAS, members of the public were afforded the opportunity the opportunity to participate in and comment upon the proposed undertaking through a public meeting held in November 2003; and

NOW, THEREFORE, the FHWA, the Authority, and the MD SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on potential historic properties.

#### STIPULATIONS

The FHWA shall ensure that the following measures will be implemented:

- I. Smith Site Investigations & Assessment (Archaeological Phase II)  
The Smith Site (18BA516) will be investigated within the project APE and assessed for eligibility for listing on the National Register under Criterion D (Archaeological Phase II). The Phase II work will be conducted in accordance with relevant state archaeological guidelines (Shaffer and Cole 1994). A research design and work plan for the investigations will be developed in consultation with the SHPO, and submitted in draft form to the SHPO for at least thirty (30) days review and comment. The Phase II investigations will include additional subsurface testing of the site. The Phase II investigations will also include the development of cultural contexts sufficient to fully evaluate the deposits of the Smith Site. The FHWA will determine the eligibility of the Smith Site based upon the Phase II results.

Submission – Once the studies are complete, the FHWA will submit copies of the Phase II Archaeological Report to the MD SHPO for at least thirty (30) days review and comment. The MD SHPO will be asked to concur with the FHWA findings as to the eligibility of the site, and to concur with recommendations for further work at the Smith Site.

- II. Survey & Assessment of Additional Impact Areas (Historic Structures Survey / Determination of Eligibility & Effects, Archaeological Phase I/II). The FHWA will investigate any historic properties that may be adversely effected through the construction of storm water management (SWM) devices, or through activities conducted in temporary easement areas – such as staging areas. These APE areas will be defined by the FHWA after the selection of a preferred project alternative. The FHWA will coordinate with the MD SHPO regarding necessary cultural resource surveys in these areas. The FHWA will additionally coordinate with the MD SHPO regarding identified resources (determinations of eligibility and effects).

Submission – Once the surveys are complete, the FHWA will submit copies of the Supplemental Archaeological and Historic Structure Investigations Report to the MD SHPO for at least thirty (30) days review and comment. The MD SHPO will be asked to concur with the FHWA findings as to the eligibility of any and all cultural resources, and to concur with recommendations for further work regarding said resources.

- III. Avoidance and Minimization. Should the FHWA determine that one or more resources within the APE is eligible for listing on the National Register, efforts will be made to alter the project designs to either avoid impacts to the resource(s) or to minimize adverse effects.

Submission – The FHWA will submit copies of a Resource Avoidance / Minimization Assessment to the MD SHPO for at least thirty (30) days review and comment. This assessment may be included in the preceding reports (Parts I and II).

- IV. Archeological Mitigation (Phase III) – Should the FHWA determine that the Smith Site or other identified archaeological resource is eligible for listing on the National Register, and should the FHWA be unable to reasonably avoid impacts to the site, then the FHWA will undertake a mitigation of the significant deposits of the Smith Site. The mitigation will be conducted in accordance with relevant state archaeological guidelines (Shaffer and Cole 1994). A research design and work plan for the mitigation will be developed in consultation with the SHPO, and submitted in draft form to the SHPO for at least thirty (30) days review and comment. This work plan may be included in the Phase II Archaeological Report. The Phase III will include additional subsurface testing of the site. Field and laboratory methods will be sufficient to fully address the research potential of the site. The mitigation efforts will include a public outreach effort.

Submission – Once the studies are complete, the FHWA will submit copies of the Phase III Archaeological Report to the MD SHPO for at least thirty (30) days review and comment.

- V. Historic Structures Mitigation - Should the FHWA determine that an identified historic structure (or other form of above-ground resource) is eligible for listing on the National Register, and should the FHWA be unable to reasonably avoid impacts to the resource, then the FHWA will undertake a mitigation. The mitigation will be conducted in accordance with relevant state guidelines (Maryland Historic Trust 2000). A research design and work plan for the mitigation will be developed in consultation with the SHPO, and submitted in draft form to the SHPO for at least thirty (30) days review and comment.
- VI. Professional Qualifications Standards – All cultural resource investigations and work performed pursuant to MOA Stipulation I shall be conducted by or under the direct supervision of a person who meets the Secretary of Interior's Professional Qualifications Standards as Historian or Archeologist (*see*, FR 44738-9 or 36 CFR Part 60).

- VII. Resolving Objections – Should any of the parties to this MOA object within thirty (30) days to any documentation or materials submitted for review pursuant to this MOA, the FHWA shall consult with the objecting party to resolve the objection. If FHWA determines that the objection cannot be resolved, the FHWA shall forward documentation relevant to the dispute and request the further comments of the Council pursuant to 36 CFR §800.6(b). The Council shall respond within thirty (30) days after receipt of the relevant material; if the Council fails to respond within thirty (30) days the FHWA can assume the Council's concurrence on its proposed response to the dispute. Any Council comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR §800.6(c)(2) with reference only to the subject of the dispute. FHWA's responsibility to carry out all actions under the MOA that are not the subjects of the dispute will remain unchanged.
- VIII. Amendments – If any of the signatories to this Agreement believes that the terms of the MOA cannot be carried out, or that an amendment to the terms must be made, that signatory shall immediately consult with the other signatories to development amendments in accordance with 36 CFR §800.6(c). If an amendment cannot be agreed upon, the dispute resolution process set forth in Stipulation III will be followed.
- IX. Termination – Any signatory to this Agreement may terminate the Agreement by providing thirty (30) days' written notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. Termination of this Agreement would require compliance with 36 CFR Part 800. This Agreement may be terminated by the execution of a subsequent agreement that explicitly terminates or supersedes its terms.
- X. Duration – This Agreement shall be null and void if its terms are not carried out within five (5) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms.

Execution of this Memorandum of Agreement by the FHWA and the MD SHPO, its subsequent acceptance by the Council, and implementation of its terms evidences that FHWA has afforded the signatories an opportunity to comment on the Rehabilitation of JFK Section 100 over AMTRAK Rail Line Project and its effects on historic properties, and that FHWA and Baltimore City have taken into account the effect of the undertaking on historic properties.

MEMORANDUM OF AGREEMENT CONCERNING  
SECTION 100: I-95, I-895(N) SPLIT TO NORTH OF MD 43  
DRAFT – MARCH 2004  
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FEDERAL HIGHWAY ADMINISTRATION

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Nelson J. Castellanos, Division Administrator

MARYLAND STATE HISTORIC PRESERVATION OFFICER

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
J. Rodney Little, State Historic Preservation Officer

CONCUR:

MARYLAND STATE HIGHWAY ADMINISTRATION

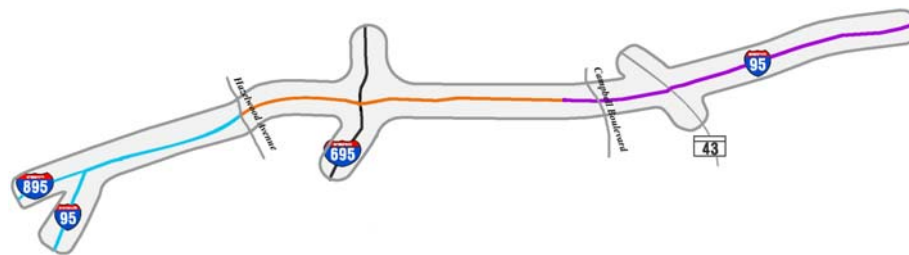
BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Neil J. Pederson, Administrator

BALTIMORE CITY DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Alfred H. Foxx, Director



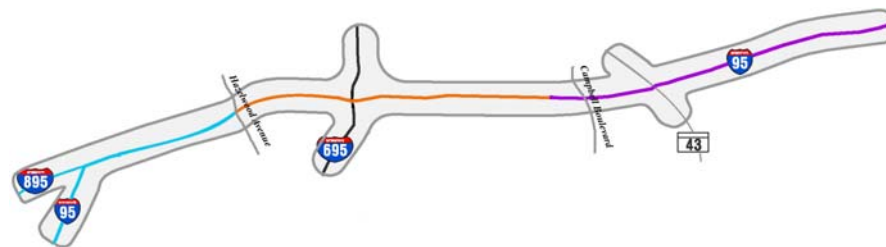
*Following the additional Jurisdictional Determinations (JD) scheduled for Spring 2004, detailed meeting minutes will be prepared and included here as Appendix E.*



**Table 1. Summary of General Purpose Lanes Alternate Impacts (Section 100 Alternatives Retained for Detailed Study (ARDS) Report, 2004, Updated 5/5/04).**

| Category   | No-Build Alternate | General Purpose Lanes Alternate*    |             |  |          |  |              | Range           | Total**      |
|--|--------------------|-------------------------------------|-------------|--|----------|--|--------------|-----------------|--------------|
|  |                    | I-895 (N) Split to Hazelwood Avenue |             | Hazelwood Avenue to 2,700 Feet South of Campbell Boulevard |          | 2,700 Feet South of Campbell Boulevard to New Forge Road |              |                 |              |
|  |                    | Option A                            | Option B*** | Option A***  | Option B | Option A   | Option B***  |                 |              |
| <b>Natural Environment</b>                             |                    |                                     |             |  |          |  |              |                 |              |
| 100-year Floodplain Impacts (acres)                    | 0                  | 2.7                                 | 4.5         | 34.1   | 36.3     | 1.85   | 0.70         | 37.51 - 42.65   | 39.30        |
| Wetlands Impacted (acres)                              | 0                  | 0.06                                | 0.06        | 3.30   | 4.00     | 1.52   | 0.47         | 3.83 - 5.58     | 3.83         |
| Stream Impacts (linear feet)                           | 0                  | 461                                 | 844         | 4,470  | 5,024    | 4,705  | 6,153        | 9636 - 12021    | 11,467       |
| Woodlands Impacted (acres)                             | 0                  | 5.40                                | 4.20        | 67.0   | 70.4     | 44.32  | 39.08        | 110.28 - 120.12 | 110.28       |
| Forest Interior Dwelling Species Habitat (acres)       | 0                  | 0                                   | 0           | 0  | 0        | 1.30   | 1.62         | 1.30 - 1.62     | 1.62         |
| <b>Right-of-Way Required (acres)</b>                   |                    |                                     |             |  |          |  |              |                 |              |
| Residential  | 0                  | 0.10                                | 0.10        | 2.90   | 4.37     | 1.45   | 1.21         | 4.21 – 5.92     | 2.31         |
| Business   | 0                  | 0.00                                | 0.00        | 0.10   | 0.10     | 0.53   | 2.00         | 0.63 - 2.10     | 2.10         |
|  | 0                  | 0.00                                | 1.10        | 9.50   | 12.90    | 0.87   | 0.05         | 9.55 - 14.87    | 10.65        |
| <b>Historic/Archeological Sites Affected (each)</b>    | 0                  | 0                                   | 0           | 0  | 0        | 0  | 0            | -               | 0            |
| <b>Parklands/Recreational Areas Affected (each)</b>    | 0                  | 0                                   | 0           | 0  | 0        | 0  | 0            | -               | 0            |
| <b>Displacements (each)</b>                            |                    |                                     |             |  |          |  |              |                 |              |
| Residential  | 0                  | 0                                   | 0           | 4  | 3        | 2  | 0            | 3 - 6           | 4            |
| Business   | 0                  | 0                                   | 0           | 0  | 0        | 0  | 0            | 0               | 0            |
| <b>Preliminary Neat Construction Cost (millions)**</b> | <b>\$84</b>        | <b>-</b>                            | <b>\$59</b> | <b>\$275</b>   | <b>-</b> | <b>-</b>   | <b>\$151</b> | <b>-</b>        | <b>\$559</b> |

\* Work in progress. Estimates of impacts are based on conceptual alternatives and preliminary interchange options.  
\*\* Does not include right-of-way costs.  
\*\*\* Options recommended for detailed study



**Table 2. Summary of Managed Lanes Alternate Impacts (Section 100 Alternatives Retained for Detailed Study (ARDS) Report, 2004, Updated 5/5/04)**

| Category   | No-Build Alternate | Managed Lanes Alternate*            |              |  |                  |          |  |          |                 | Range  | Total*** |
|--|--------------------|-------------------------------------|--------------|--|------------------|----------|--|----------|-----------------|--------|----------|
|  |                    | I-895 (N) Split to Hazelwood Avenue |              | Hazelwood Avenue to 2,700 Feet South of Campbell Boulevard |                  |          | 2,700 Feet South of Campbell Boulevard to New Forge Road |          |                 |        |          |
|  |                    | Option A                            | Option B**** | Option A   | Option A Mod**** | Option B | Option A***  | Option B |                 |        |          |
| Natural Environment                              |                    |                                     |              |  |                  |          |  |          |                 |        |          |
| 100-year Floodplain Impacts (acres)              | 0                  | 4.20                                | 4.30         | 36.10  | 36.00            | 37.10    | 5.97   | 5.82     | 46.02 - 47.73   | 46.27  |          |
| Wetlands Impacted (acres)                        | 0                  | 0.50                                | 0.50         | 4.10   | 4.00             | 4.30     | 2.34   | 2.34     | 6.84 - 7.14     | 6.84   |          |
| Stream Impacts (linear feet)                     | 0                  | 1,197                               | 955          | 5,356  | 5356             | 5647     | 6,262  | 6276     | 12573 - 13120   | 12,573 |          |
| Woodlands Impacted (acres)                       | 0                  | 8.40                                | 7.70         | 93.80  | 94.00            | 95.80    | 54.16  | 70.14    | 155.86 - 174.34 | 155.86 |          |
| Forest Interior Dwelling Species Habitat (acres) | 0                  | 0                                   | 0            | 0  | 0                | 0        | 5.18   | 4.95     | 4.95 - 5.18     | 5.18   |          |
| Right-of-Way Required (acres)                    |                    |                                     |              |  |                  |          |  |          |                 |        |          |
|  | 0                  | 0.10                                | 0.10         | 5.94   | 6.14             | 7.00     | 2.97   | 4.65     | 9.01 – 11.75    | 9.21   |          |
| Business   | 0                  | 0.00                                | 0.04         | 0.30   | 0.30             | 0.30     | 5.54   | 6.28     | 5.84 - 6.62     | 5.88   |          |
| Undeveloped                                      | 0                  | 3.00                                | 1.40         | 27.10  | 27.00            | 31.00    | 0.38   | 1.15     | 28.78 - 35.15   | 28.78  |          |
| Historic/Archeological Sites Affected (each)     |                    |                                     | 0            | 0  | 0                | 0        | 0  | 0        | -               | 0      |          |
| Parklands/Recreational Areas Affected (each)     |                    |                                     | 0            | 0  | 0                | 0        | 0  | 0        | -               | 0      |          |
| Displacements (each)                             |                    |                                     |              |  |                  |          |  |          |                 |        |          |
|  | 0                  | 0                                   | 0            | 3  | 5                | 2        | 1  | 3        | 3 – 8           | 6      |          |
| Business   | 0                  | 0                                   | 0            | 0  | 0                | 0        | 0  | 0        | 0               | 0      |          |
| Preliminary Neat Construction Cost (millions)**  | \$84               | -                                   | \$77         | -  | \$446**          | -        | \$192  | -        | -               | \$715  |          |

\* Work in progress. Estimates of impacts are based on conceptual alternatives and preliminary interchange options.

\*\* Includes \$37.9 million for optional ramps

\*\*\* Does not include right-of-way costs

\*\*\*\* Options recommended for detailed study